

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

LAKEWAN MYKEL BARNES,)	
)	
Plaintiff,)	
)	
VS.)	No. 19-1145-JDT-cgc
)	
HARDIN COUNTY JAIL, ET AL.,)	
)	
Defendants.)	

ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER
IN FORMA PAUPERIS AFFIDAVIT OR PAY THE \$400 CIVIL FILING FEE

On July 15, 2019, Plaintiff Lakewan Mykel Barnes, filed a *pro se* civil complaint. (ECF No. 1.) At the time, Barnes was incarcerated at the Hardin County Jail in Savannah, Tennessee. The Court issued an order on July 22, 2019, granting Barnes's motion for leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 6.) However, on August 29, 2019, Barnes notified the Clerk he had been released. (ECF No. 8.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 requires by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to pay the filing fee in monthly installments. 28 U.S.C. § 1915(b). However, in this case, no part of the filing fee was paid prior to Barnes's release. Under these circumstances, the Sixth Circuit has held "the obligation to pay the remainder of the fees

is to be determined solely on the question of whether the released individual qualifies for pauper status.” *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

Barnes must either renew his pauper status or pay the civil filing fee. Therefore, he is ORDERED to submit, on or before October 1, 2019, either a non-prisoner *in forma pauperis* affidavit or the entire \$400 filing fee.¹ The Clerk shall mail Barnes a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

Failure to comply with this order in a timely manner will result in the dismissal of this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$50 for filing any civil case also is required. Because that additional \$50 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the July 22nd order. If Barnes does not renew his pauper status he will be responsible for the entire \$400 fee.